

**IN THE CLAIMS:**

Claim 31. (Amended Three Times) A process for forming an oxide composition comprising oxidizing a gaseous composition comprising a metal oxide precursor, water, a source of oxygen and an accelerant selected from the group consisting of phosphites, borates, alkyl phosphine, arsine and borane derivatives, PH<sub>3</sub>, AsH<sub>3</sub>, B<sub>2</sub>H<sub>6</sub>, NF<sub>3</sub>, NO<sub>2</sub> and CO<sub>2</sub> so that when said precursor of a metal oxide is a tin oxide precursor, said accelerant includes at least one of said phosphites or borates.

**The Amendments**

The Examiner, in the June 4 Office Action, made a new rejection of claims 28-32 under 35 U.S.C. § 103 (a) based on Gordon U. S. Patent No. 4,308,316 ("Gordon") in combination with Lagendijk, U.S. Patent No. 5,028,566 ("Lagendijk"). The amendment to Claim 31 distinguishes Gordon by canceling the O<sub>2</sub> and N<sub>2</sub>O accelerants without prejudice or disclaimer, and adds water and a source of oxygen to the composition.

**Request Pursuant to M.P.E.P § 706.07 (a) to Withdraw the Final Rejection**

The Examiner in the June 4 Office Action rejected claims 28-32 on prior art he never applied during the prosecution of the application to reject those claims. The Manual of Patent Examining Procedure provides in this regard that "second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97 (c). . . ." (M.P.E.P § 706.07 (a), p. 700-57, par. 2, August 2001) (emphasis added). Applicants did not amend the application in response to the previous Office action, nor did they submit an information disclosure

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